



HIC - Update on the continued failure of the Indian State to uphold the human right to adequate housing and land

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Letter to Virginia Bonoan-Dandan, Chairperson, Committee on Economic, Social and Cultural Rights

15 November 2005

Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social and Cultural Rights
Palais des Nations
Geneva, Switzerland

Dear Madam Dandan:

We would like to take this opportunity, first, to reaffirm our appreciation to the Committee for its historic commitment to advance the cause of promoting and protecting the human right to adequate housing and land worldwide. This letter represents part of our ongoing commitment to support the Committee in that effort by reporting on the situation of economic, social and cultural rights, in particular the right to adequate housing and land, in India. While the efforts of the Committee to encourage India's compliance with its reporting responsibility as State party to the Covenant have been laudable, the Government of India continuously fails to submit its long-overdue report, originally scheduled for submission on 30 June 1992.

As emphasized in our letters to you of 4 May 2004, 8 November 2004 and 22 April 2005, the respect, protection, promotion, and fulfilment of economic, social and cultural human rights in India have deteriorated to an alarming extent, amounting on many occasions to glaring violations of India's international human rights obligations. In particular, we have noted a troubling pattern of increased violations and marked retrogressions in adequate housing rights and living conditions, inconsistent with the obligations enshrined in Article 11(1) of ICESCR. Indeed, the need for decisive action has never been more acute.

In light of the Indian Government's failure to issue a report on its treaty implementation, civil society organizations respectfully submitted an alternate report, titled, Acts of Commission, Acts of Omission: Housing and Land Rights and the Indian State, in May 2004. A year and a half later, housing rights implementation and living conditions only seem to deteriorate for the majority of India's population. As part of the current correspondence, we would like to draw the Committee's attention to a few particularly egregious violations, which are included for the Committee's consideration in the attached annex.

The number and nature of violations of Article 11 due to deliberate State action are alarming. Furthermore, international human rights law obliges India to (1) fulfil the minimum essential level of the right to adequate housing and land, and (2) show that this realization is progressive since becoming a party to the ICESCR. As the Committee has emphasised, neither of these obligations is mitigated by a State party's political processes, domestic legislation, scarcity of resources, or agreements with other parties. The present degree of violations and reporting delinquency are wholly unacceptable and represent a flagrant dismissal of both India's obligations under the ICESCR and the guiding authority of Committee.

In light of the massive scale of violations mentioned and the Government of India's continued silence on the issue, we would like to reiterate our standing request that the Committee consider examining India as a nonreporting State party to the Covenant and, subsequent to such a decision, take the appropriate administrative measures. The implications of inaction are far reaching not only for the countless individuals and communities continuing to suffer from a lack of adequate housing and land rights, but for the very credibility and integrity of the institutional mechanisms established for their protection.

In cooperation with Indian civil society and advocates of ICESCR-guaranteed rights, we sincerely support and



appreciate international efforts to encourage the fulfilment of economic, social and cultural rights. Therefore, we remain committed to assisting the Committee by providing periodic updates on the implementation and realisation of the right to adequate housing and land in India.

Madam Dandan, please be assured of our highest consideration,

Joseph Schechla
Coordinator
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Read the annex with the information of:

1. Violation of the Right to Adequate Housing and Land of Tsunami Survivors in Tamil Nadu
2. Continued Discrimination against Dalits and Denial of their Housing and Land Rights
3. Failed Resettlement for Delhi Slum Dwellers
4. Forced Eviction and other Human Rights Violations in Vedanta Alumina Refinery and Niyamgiri Mines, Orissa
5. Continued Displacement in the Narmada Valley
6. Slum Demolitions in Mumbai and Lack of Government Rehabilitation
7. Continued Government Apathy toward the Homeless in Delhi
8. Involuntary Displacement caused by the Polavaram Dam in Andhra Pradesh
9. Proposed Bauxite Mining Violating Constitutional and Human Rights in the Heart of the Tribal Area in Andhra Pradesh